

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **CODE-BASED OPTICAL NETWORKS, METHODS, AND APPARATUS**, the specification of which

- ☐ is attached hereto.
- ☒ was filed on November 17, 1999 as Application No. 09/454,164.
- ☐ was described and claimed in PCT International Application No. _____, filed on _____, and as amended under PCT Article 19 on _____ (if applicable).
- ☐ and was amended on _____ (if applicable).
- ☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

Priority
Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/108,701

November 17, 1998

Application Number

Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United

States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

 (Application No.)

 (Filing Date)

 (Status: patented,
Pending, abandoned)

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from _____ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Name	Reg. No.	Name	Reg. No.
BECKER, Mark L.	31,325	NOONAN, William D.	30,878
CALDWELL, Lisa M.	41,653	PETERSEN, David P.	28,106
DeGRANDIS, Paula A.	43,581	POLLEY, Richard J.	28,107
GEORGE, Samuel E.	44,119	SCOTTI, Robert F.	39,830
GIRARD, Michael P.	38,467	SIEGEL, Susan Alpert	43,121
JAKUBEK, Joseph T.	34,190	SLATER, Stacey C.	36,011
JOHNSON, Michelle L.	36,352	STEPHENS JR., Donald L.	34,022
JONES, Michael D.	41,879	STUART, John W.	24,540
KLARQUIST, Kenneth S.	16,445	VANDENBERG, John D.	31,312
KLITZKE II, Ramon A.	30,188	WHINSTON, Arthur L.	19,155
HARDING, Tanya M.	42,630	WIGHT, Stephen A.	37,759
LEIGH, James S.	20,434	WINN, Garth A.	33,220
MAURER, Gregory L.	43,781		

Address all telephone calls to Michael D. Jones at telephone number (503) 226-7391.

Address all correspondence to:

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, OR 97204-2988

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Joint Inventor: Thomas W. Mossberg

Inventor's Signature

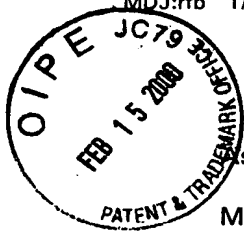
Thomas W Mossberg

1/31/00
Date

Residence: Eugene, Oregon

Citizenship: U.S.A.

Post Office Address: 548 Lynnbrook Drive
Eugene, Oregon 97404



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Prior Foreign Application(s)

Priority
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(Number)

(Country)

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☐ ☐
Yes No

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JONES, Michael D.	41,879	STUART, John W.	24,540
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KLITZKE II, Ramon A.	30,188	WHINSTON, Arthur L.	19,155
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LEIGH, James S.	20,434	WINN, Garth A.	33,220
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LEIGH & WHINSTON, LLP
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Portland, OR 97204-2988

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Full Name of Sole or first Inventor: Michael J. Munroe

Inventor's Signature



1/18/2000

Date

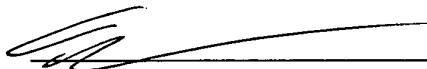
Residence: Eugene, Oregon

Citizenship: U.S.A.

Post Office Address: 1639 Walnut Street
Eugene, Oregon 97403

Full Name of Second Joint Inventor, if any: Alan E. Johnson

Inventor's Signature



1/18/2000

Date

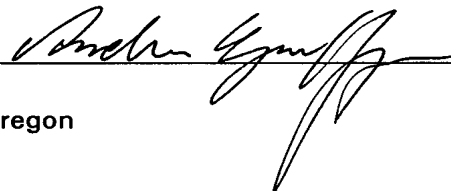
Residence: Eugene, Oregon

Citizenship: U.S.A.

Post Office Address: 2384 Sony Loop
Eugene, Oregon 97404

Full Name of Third Joint Inventor, if any: Anders Grunnet-Jepsen

Inventor's Signature



1/18/2000

Date

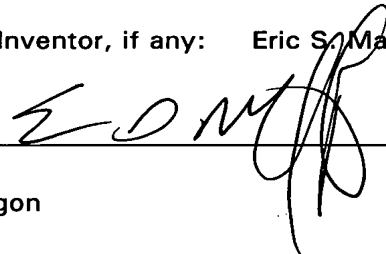
Residence: Eugene, Oregon

Citizenship: U.S.A.

Post Office Address: 3220 Twin Elms
Eugene, Oregon 97408

Full Name of Fourth Joint Inventor, if any: Eric S. Maniloff

Inventor's Signature



1/18/2000

Date

Residence: Eugene, Oregon

Citizenship: U.S.A.

Post Office Address: 3160 Alyndale Drive
Eugene, Oregon 97404

Full Name of Fifth Joint Inventor, if any: Thomas W. Mossberg

Inventor's Signature _____

Date

Residence: Eugene, Oregon

Citizenship: U.S.A.

Post Office Address: 548 Lynnbrook Drive
Eugene, Oregon 97404

Full Name of Sixth Joint Inventor, if any: John N. Sweetser

Inventor's Signature _____

John Sweetser

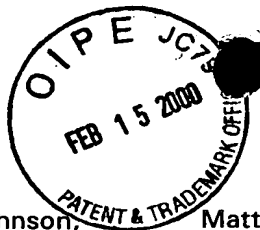
1/18/00

Date

Residence: Eugene, Oregon

Citizenship: U.S.A.

Post Office Address: 3230 Onyx
Eugene, Oregon 97405



Applicant or Patentee: Michael J. Munroe, Alan E. Johnson, Anders Grunnet-Jepsen, Eric S. Maniloff, Thomas W. Mossberg, John N. Sweetser Matter No. 5922-53642

Serial or Patent No.: 09/454,164 Filed or Issued: November 17, 1999

For: CODE-BASED OPTICAL NETWORKS, METHODS, AND APPARATUS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR §1.9(f) and §1.27(c)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ The owner of the small business concern identified below:
☒ An official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Templex Technology, Inc.

ADDRESS OF CONCERN 1850 Millrace Drive, Suite #1
Eugene, Oregon 97403

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §121.3-18, and reproduced in 37 CFR §1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

CODE-BASED OPTICAL NETWORKS, METHODS, AND APPARATUS

By inventor(s) Michael J. Munroe, Alan E. Johnson, Anders Grunnet-Jepsen, Eric S. Maniloff,
Thomas W. Mossberg, John N. Sweetser

Described in: ☐ The Application Filed Herewith.
☒ Application No. 09/454,164 Filed November 17, 1999
☐ Patent No. _____ Issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 CFR §1.9(d), or a nonprofit organization under 37 CFR §1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27)

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

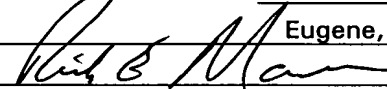
NAME OF PERSON SIGNING Rick E. Mandrell

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 1850 Millrace Drive, Suite #1

Eugene, Oregon 97403

SIGNATURE



DATE

1/18/2004